

19.07.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Learned counsel for appellant has produced copy of office order dated 01.02.2020 issued by District Health Officer North Waziristan Miranshah. By virtue of the order, the outstanding salaries of the appellant have been released against any vacant post. Copy of order is placed on file of connected Service Appeal No.1241/2018 titled "Riaz Noor Vs. Government of Khyber Pakhtunkhwa".

In view of the development, learned counsel for appellant states that the appeal in hand has met its purpose.

Disposed of having been infructuous. File be consigned to the record room.

Announced
19.07.2022


(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

15.09.2021

Counsel for appellant present.

Muhammad Adeel Butt learned Additional A.G for respondents present.

File to come up alongwith connected Service Appeal No.1241/2018 titled Riaz Noor Vs. Government of Khyber Pakhtunkhwa, on 17.01.2022 before D.B.



(Rozina Rehman)
Member (J)


Chairman

17.01.2022

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Former seeks adjournment to further prepare the brief. Request accorded. To come up for arguments on 10.05.2022 before the D.B.



(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman

10.05.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakheil, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to assist the Tribunal. Last opportunity is granted. To come up for arguments before the D.B on 19.07.2022.


(Fareeha Paul)
Member (E)

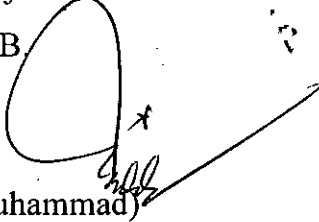

Chairman


26.11.2020

Counsel for the appellant present. Addl: AG alongwith Mr. Muhammad Faiz, Assistant for respondents present.

Learned AAG states that in some cases office order has been issued by the respondents of release of salaries of appellants therein. In his view it is appropriate to adjourn the proceedings in this matter in order to avail the outcome of departmental decision of the like nature, if any. Learned counsel for the appellant does not object.

Adjourned to 17.02.2020 for further proceedings before D.B.


(Mian Muhammad)
Member (E)


Chairman

17.02.2021

Due to Pandemic of Covid-19, the case is adjourned to 26.05.2021 for the same.

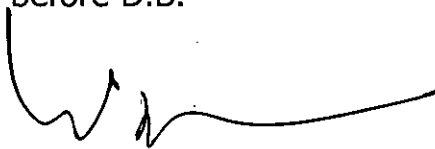
Reader


26.05.2021

Learned counsel for the appellant present.

Mr. Kabirullah Khattak Additional Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment; Adjourned to 15/9/21 for arguments before D.B.

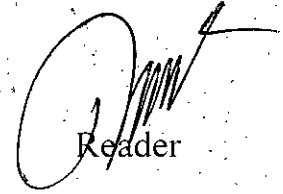

(Atiq Ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

R

02.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 29.06.2020 before D.B.



Reader

29.06.2020

Due to COVID19, the case is adjourned to 24.09.2020 for the same as before.



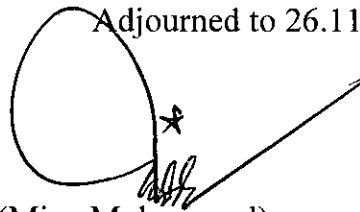
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24.09.2020

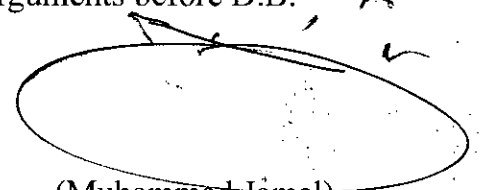
Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General is present.

Appellant submitted that his counsel has proceeded to Bannu for appearance before Hon'ble Peshawar High Court, Bannu Bench. Requested for adjournment.

Adjourned to 26.11.2020 for arguments before D.B.



(Mian Muhammad)
Member (E)



(Muhammad Jamal)
Member(J)

23.10.2019

Special Attorney for the appellant present. Mr. Kabirullah Khattak learned Addl: AG for the respondents present.

Former requests for adjournment as learned counsel for the appellant is engaged before Honourable High Court today in various cases.

Adjourned to 26.12.2019 before D.B.


Member


Chairman

26.12.2019

Counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 27.02.2020 before D.B.


Member


Member

27.02.2020

Learned counsel for the appellant present. Mr. Riaz Paindaknel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourn. To come up for arguments on 02.04.2020 before D.B.


Member

Member

02.04.2019 Counsel for the appellant present. Mr. Kabirullah, Addl. AG alongwith Mr. Rehmat, Supdt for respondents present. Written reply on behalf of respondents no. 1 and 2 already submitted and representative of respondent no.3 rely on the same. Case to come up for rejoinder and arguments on 29.05.2019 before D.B.


(Ahmad Hassan)
Member

28.05.2019 Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 29.07.2019 for rejoinder and arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

29.07.2019 Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 23.10.2019 before D.B.


Member



Member

15.1.2019

Counsel for the appellant and Addl. AG for the respondents present.

Learned AAG requests for further time to submit reply on behalf of respondent No. 3.

The matter is adjourned to 26.2.2019 on which date the requisite reply shall positively be submitted.

Chairman 

26.02.2019

Counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General along with Mr. Suhail Assistant for the respondent No.3 present. Written reply not submitted. Representative of the respondents seeks time to file written reply. Counsel for the appellant submitted an application for restraining the respondents from making appointment on posts which were advertised in daily "AJJ" on dated 05.02.2019 till the disposal of the appeal which is placed on file. Notice of this application be issued to the respondents of reply/arguments. Adjourned. To come up for written reply on main appeal as well as reply/arguments on application on 02.04.2019 before S.B


(Ahmed Hassan)
Member

16.10.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that this is the 2nd round of litigation. Previously vide judgment dated 13.11.2017 these appeals were remitted to the appellate authority to treat them as departmental appeals and decide it within a period of 90 days from the date of receipt of the judgment. The respondents were also directed to pass speaking order regarding the status of the appellant and how did he draw their salary for a period of more than one year and how why their salaries were stopped? That vide impugned order dated 03.10.2018 their appeals for release of salary were rejected. Neither they have been paid salary from September 2012 till date nor their services have been terminated. Learned counsel for the appellant further contended that posts occupied by the appellant/others were advertized on 03.10.2018. A separate application for restraining the respondents from recruitment has also been submitted. The appellant has not been treated according to law and rules.

Appellant Deposited
Security & Process Fee

Points urged need consideration. Admit, subject to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 30.11.2018 before S.B. Notice of stay application be also issued to the respondents for the date fixed.


(AHMAD HASSAN)
MEMBER

30.11.2018



Counsel for the appellant present. Mr. Sahah Nawaz, Litigation Assistant alongwith Mr. Kabriaullah Khattak, Addl: AG for respondents present. Written reply on behalf of respondent no.1 while respondent no. 2 rely on written reply of respondent no.1. None present for respondent no.3. Case to come up for written reply/comments of respondent no. 3 on 15.01.2019 before S.B.


(Ahmad Hassan)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____ 1249/2018 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/10/2018	<p>The appeal of Mr. Azimullah presented today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	11-10-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11-10-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1249 /2018

Azimullah . VIS
Malaria supervisor AMM Memorial
New Agency

Health deptt: (FATA):.

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5.	Copies of letter dated 28.012.2017 and report	D&E	15-16
6.	Copies of nomination letter dated 12.02.2018, letter dated 17.04.2018 and inquiry report	F,G&H	17-19
7.	Copies of letter dated 20.08.2018, report dated 03.09.2018 and report dated 17.09.2018	I,J&K	20-22
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Azim
APPELLANT

THROUGH:

M. Asif Yousafzai
(M.ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,

Taimur Ali Khan
(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,

Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt:
Contact No. 03339103240

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1299 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1486

Dated 09/10/2018

Azizullah
Malania Supervisor AHB Hospital
N. W. Agency

(Appellant)

VERSUS

1. The Director Health Service Tribal District Peshawar.
2. The Agency Surgeon, Tribal district North Waziristan.
3. The Secretary Finance, KPK, Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 03.10.2018 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR ADJUSTMENT AND GRANTING MONTHLY PAY WITH EFFECT FROM SEPTEMBER 2012 TILL DATE HAS BEEN REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, ORDER DATED 03.10.2018 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO ADJUST THE APPELLANT ON HIS POST AND RELEASE HIS SALARY WITH EFFECT FROM SEPTEMBER, 2012 TILL DATE AND ONWARD BEING STILL IN SERVICE. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed to-day
Registrar
9/10/18

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed as ~~Medical Officer~~ ^{Malaria Supervisor} in BPS-9 vide order dated 03.12.2011 on the proper recommendation of the Departmental Selection Committee and took over charge on 04.12.2011 in pursuance his appointment order.
2. That the appellant has been continuously performing his duty as civil servant of the Health Directorate FATA in N.W.A upto the entire satisfaction of the superior and there ^{is} are no complaints against the appellant so far.
3. That all of sudden that without passing any proper order, the pay of the appellant has been stopped since September 2012 and when the appellant asked from the concerned office about the salaries he was orally told that his pay has been stopped by the Agency Surgeon NWA without any reason.
4. That then the appellant forthwith filed an appeal on 02.01.2013 and waited for 90 days, but no action has been taken on departmental appeal of the appellant and after the stipulated period of time, the appellant filed service appeal No. 696 /2013 in this august Service Tribunal. Which was finally decided on 13.11.2017 in which the Honourable Service tribunal remitted the service appeal back to the appellate authority to treat the memo of the appeal as departmental appeal and decide the same within the period of ninety days and they were also directed to pass a speaking order regarding the status of the appellant and how he draw his salaries for a period of one year and how and why his salaries were stopped. **(Copy of judgment is attached as Annexure-A)**
5. That on the basis of above direction of the Honourable Service Tribunal the DHS (FATA) Peshawar wrote a letter to Agency Surgeon NWA on 29.11.2017 and directed him to submit detail report with the documentary proof regarding the subject that how and why the salaries of the appellant were stopped. In response to the letter dated 29.11.2017 the Agency Surgeon NWA submitted the detail report to DHS (FATA) Peshawar on 19.12.2017 in which Agency Surgeon mentioned that Dr. Muhammad Sadiq Ex-AS has been stopped the salaries without valid reason and later on his salaries were released reason well known to him. The newly posted Agency Surgeon DR. Azim Wazir not only stopped his salaries, but he appointed 11 blue eye persons in place of the appellant, while the appellant already

lodged appeal against the discriminations of the said officers. When Dr. Azim Wazir was transferred and Dr. Jahan Mir was posted as Agency North Waziristan the remaining post of the appellant was filled by the Agency Surgeon Dr. Jahan Mir by appointing their favorite person in place of the appellant illegally, while he was well aware of the fact that the issue is under consideration in court, but he did not pay any heed to the request which is clear violation of law, rules and regulation. It is further stated that this office has already submitted various detail reports along with documentary proof on 29.04.2016, 20.07.2016 and 12.22.2016, but no action has been taken up till now. **(Copies of letter dated 29.11.2017 and reply of surgeon are attached as annexure- B&C)**

6. That the DHS (FATA) also asked from Agency Surgeon through letter dated 28.12.2017 to submit sanctioned, filled, vacant position of NWA Agency on which Agency Surgeon submitted photocopies of sanction, filled and vacant position on the strength of the Agency Surgeon NWA and Medical Superintendent AHQ Hospital Miran Shah for information and further proceeding, in matter as desired please. It is further added that there is no vacant post of para medics, however, if the appellant may be adjusted against the vacant post of Charge Nurse (BPS-16) for the purpose of drawl of pay and allowances, later on he will be adjusted after a availability of clear vacancies of para medics. **(Copies of letter dated 28.12.2017 and report are attached as Annexure-D&E)**
7. That despite the situation cleared by the Agency Surgeon, the DHS nominated Dr. Sahibzada Muhammad Khaild as inquiry officer on 12.02.2018, however he did not conducted inquiry reason best known to him and after that DHS (FATA) made another inquiry committee on 17.04.2018, which conducted inquiry in the matter and submitted detail report in which it was mentioned that the appellant receiving his salaries regularly to the entire of satisfaction of his superior since 31.08.2012 without no complaint, his salaries was stopped without any written order, termination order by the Ex-Agency Surgeon NWA. But not only stopped his salaries but appointed blue eye person in his place illegally without codal formalities and recommended that the frozen salaries of the employment (appellant) may be released in the larger interest of justice being innocent and also gave certificate that the most of of the record of the Agency Surgeon NWA has been completely destroyed/ misplaced due to military operation Zarb-e-Azb. **(Copies of nomination letter dated 12.02.2018, letter dated 17.04.2018 and inquiry report are attached as Annexure-F,G&H)**

8. That DHS (FATA) sought report from Agency surgeon on 20.08.2018 about the status of the appellant and as well as sought report from Agency Account Office NWA on which both officer submitted report to DHS FATA on 03.09.2018 and 17.09.2018 respectively in which they clearly mentioned that the appellant was not terminated, but his name was retrenched from the manual pay bill. **Copies of letter dated 20.08.2018, report dated 03.09.2018 and report dated 17.09.2018 are attached as Annexure-I,J&K)**
9. That as the appellate authority did not decide the departmental of the appellant within the stipulated period of time, therefore the appellant filed execution petition No.52/2018 for implementation of judgment dated 13.11.2017 and during the pendency of execution petition the departmental appeal of the appellant was rejected on 03.10.2018 for no valid reason. **(copies of execution petition and rejection order are attached as Annexure-L&M)**
10. That now the appellant comes this august Service Tribunal on the following grounds amongst others:

GROUND:

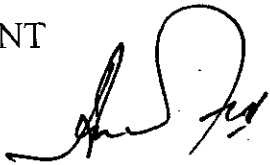
- A) That order dated 03.10.2018 and not paying the monthly salaries to the appellant w. from September 2012 till date are against the law, facts, norms of justice, therefore, not tenable.
- B) That the appellant is still on the strength of the department as he has not been terminated so far which is also endorsed by the different letters and reports mentioned above, therefore, the appellant is entitled for his salaries w.e.f September 2012.
- C) That not paying the monthly salaries to the appellant and stoppage of pay without any proper order, actually amounts to an arbitrary act on the part of the respondents which is not tenable in the eyes of law.
- D) That the appellant has not been treated according to law and rules and has been deprived from the monthly salaries despite proper performance of duty, thus the action of the respondents is totally illegal and without lawful authority.
- E) That being a civil servant, the appellant is entitled to the salaries of the post in accordance with Section-17 of the Civil Servant Act, 1973.

- F) That the appellant has regularly performed his duty which can be endorsed by different letter and reports and stoppage of salaries to the appellant come in the ambit of force labour which is violation of Article-11 of the Constitution of Pakistan.
- G) That the appellant has been condemned unheard and no prior chance of defenses or hearing was provided to the appellant while stopping his monthly salaries.
- H) That the appellant was discriminated as some of the colleagues who were appointed along with the appellant, but they are regularly receiving their salaries till date on which the appellant filed application to Agency Surgeon on which report was sought from the head Clerk which responded on positive, but the salaries of the appellant was stopped without any reason and justification. **Copies of application and head clerk report is attached as Annexure-N&O)**
- I) That in the rejection order the appellate authority mentioned that there is non availability of clear vacant post but on other hand the department advertised various cadre of posts in which the post of the appellant is also included. **(Copies of advertisement and various cadre of posts are attached as Annexure-P&Q)**
- J) That the Agency/^{Surgeon} mentioned in its report that the appellant can be adjusted against the vacant post for the purpose of drawl of pay and allowances and will be adjusted after a availability of clear vacancies of para medics, but the appellant was not adjusted on that post, while other officials were adjusted against vacant post of different cadre for the purpose of drawl of salary, which means that the appellant was discriminated which is violation of Article 25 of the constitution of Pakistan. **(Copy of list is attached as annexure-R)**
- K) That letters, reports and inquiry was in the favour of the appellant, but despite that the departmental appeal of the appellant was rejected by the appellate authority without giving any reason with not agreeing with those letter, reports and inquiry.
- L) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.


APPELLANT

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Appeal No. _____/2018

Azizullah V/S
Malaria Supervisor

Health deptt: (FATA):.

.....

APPLICATION FOR RESTRAINING THE
RESPONDENTS FROM MAKING APPOINTMENT ON
POSTS WHICH WERE ADVERTISED IN DAILY "AJJ"
ON DATED 03.10.2018 TILL THE DISPOSAL OF THE
APPEAL.

RESPECTFULLY SHEWETH:

1. That the appellants has filed the appeal for adjustment on his post and for release of salary with effect from September 2012 till date and onward in which no date has been fixed so for.
2. That the respondents department has advertised different posts including the post of the appellant in daily News Paper "Ajj" dated 03.10.2018 against which the appellants was working and as the appellant has filed the instant appeal for his adjustment on his post along with release of his salary w.e.f September 2012. (Copy of advertisement is attached as annexure-A-1)
3. That if the respondents are not restrained from making appointment from those posts on which the appellant was working then legal complication will be created in adjustment of the appellant if the instant appeal decide in the favour of the appellant as the respondents will raise the issue that they has^e no post to adjust the appellant.
4. That as per demand of justice and proprietary, it would be just and fair to restrain the respondents from making appointment on those post on which the appellant was working.
5. That the application is based on cogent and legal aspect of the case and all the legal position is in favour of the appellant^e.

It is, therefore, most humbly prayed that on the acceptance of this application, the respondents may be restrain from making appointment on the post which was advertised in daily "Ajj" on 03.10.2018 as the appellant has filed the instant appeal for adjustment on his post along with release of his salary w.e.f September 2012 and if the instant appeal is decide in the favour of the appellant then complication will be created in the adjustment of the appellant on his post.

Azmi
APPELLANT

THROUGH:

(Signature)
(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME PESHAWAR.
& *(Signature)*
(TAIMUR ALI KHAN)
ADVOCATE HGH COURT

AFFIDAVIT

It is hereby solemnly affirm and declare that the contents of the application are true and correct to the best of my knowledge and belief.

Azmi
DEPONENT

ATTESTED



درخواستیں مطلوب ہیں

ذریعہ تخطی کو برائے نام ڈسٹرکٹ ہارٹھ وڈ پریسٹن کی مالی آسامیوں کیلئے درخواستیں مطلوب ہیں اور تمام امیدوار اس اشاعت کے بعد 15 دن یعنی مورخہ 18/10/2018 تک درخواستیں جمع کرا سکتے ہیں۔ بائیکل یا مقررہ تاریخ کے بعد آنے والی درخواستوں پر غور نہیں کیا جائے گا۔ انٹرویو پر مندرجہ ذیل شیڈول کے مطابق بروقت 10:00 بجے تک درخواستیں تخطی میں ہوگا۔

سیریل نمبر	نام آسامی	ذاتی نصاب	عمر	تعلیمی قابلیت و تجربہ	انٹرویو تاریخ
1	کلیننگ ٹیکنیشن (پیسیمیر یا)	12	30 ۴ 18 سال	ہیئرک سائنس میڈیکل ٹیکنی (خیر بہتہ خواہ) سے متعلقہ شعبہ میں دو سالہ پلمہ۔	25-10-2018 بروز جمعرات
2	کلیننگ ٹیکنیشن (OT)	12	30 ۴ 18 سال	ہیئرک سائنس میڈیکل ٹیکنی (خیر بہتہ خواہ) سے متعلقہ شعبہ میں دو سالہ پلمہ۔	25-10-2018 بروز جمعرات
3	کلیننگ ٹیکنیشن (ہلڈ بیگ)	12	30 ۴ 18 سال	ہیئرک سائنس میڈیکل ٹیکنی (خیر بہتہ خواہ) سے متعلقہ شعبہ میں دو سالہ پلمہ۔	25-10-2018 بروز جمعرات
4	کلیننگ ٹیکنیشن (ریلیو ایٹی)	12	30 ۴ 18 سال	ہیئرک سائنس میڈیکل ٹیکنی (خیر بہتہ خواہ) سے متعلقہ شعبہ میں دو سالہ پلمہ۔	25-10-2018 بروز جمعرات
5	کلیننگ ٹیکنیشن (ای سی سی)	12	30 ۴ 18 سال	ہیئرک سائنس میڈیکل ٹیکنی (خیر بہتہ خواہ) سے متعلقہ شعبہ میں دو سالہ پلمہ۔	25-10-2018 بروز جمعرات
6	کلیننگ ٹیکنیشن (سٹریلٹریٹین)	12	30 ۴ 18 سال	ہیئرک سائنس میڈیکل ٹیکنی (خیر بہتہ خواہ) سے متعلقہ شعبہ میں دو سالہ پلمہ۔	25-10-2018 بروز جمعرات
7	کلیننگ ٹیکنیشن (ٹارسی)	12	30 ۴ 18 سال	ہیئرک سائنس میڈیکل ٹیکنی (خیر بہتہ خواہ) سے متعلقہ شعبہ میں دو سالہ پلمہ۔	26-10-2018 بروز جمعرات
8	لیڈی ایجنٹ ریفر	12	30 ۴ 18 سال	ہیئرک سائنس میڈیکل ٹیکنی (خیر بہتہ خواہ) سے متعلقہ شعبہ میں دو سالہ پلمہ۔	26-10-2018 بروز جمعرات
9	ای پی آئی ٹیکنیشن	12	30 ۴ 18 سال	ہیئرک سائنس میڈیکل ٹیکنی (خیر بہتہ خواہ) سے متعلقہ شعبہ میں دو سالہ پلمہ۔	26-10-2018 بروز جمعرات
10	سٹوڈنٹ ٹیچر	12	30 ۴ 18 سال	ہیئرک سائنس میڈیکل ٹیکنی (خیر بہتہ خواہ) سے متعلقہ شعبہ میں دو سالہ پلمہ۔	26-10-2018 بروز جمعرات
11	ڈرائیور	06	30 ۴ 18 سال	ہیئرک سائنس میڈیکل ٹیکنی (خیر بہتہ خواہ) سے متعلقہ شعبہ میں دو سالہ پلمہ۔	26-10-2018 بروز جمعرات

شرائط

- (1) ناتھ وڈ پریسٹن ٹرائل ڈسٹرکٹ سے تعلق رکھنے والے کو ترجیح دی جائے گی۔ بصورت دیگر قریبی اضلاع کے امیدواروں کی درخواستوں پر غور کیا جائے گا۔
- (2) تقرری صوبائی حکومت کے موجودہ اعداد و ضوابط کے تحت عمل میں لائی جائے گی۔
- (3) انٹرویو کیلئے تمام اصل اسناد لانا لازمی ہوگا۔
- (4) تقرری بصورت متعلقہ کاغذات متعلقہ اداروں سے جانچ پڑتال کے بعد کی جائے گی۔ غلط اسناد یا ذات ثابت ہونے کی صورت میں قانونی کارروائی کی جائے گی۔
- (5) سرکاری ملازمین ٹکمنات تو سلسلے سے درخواستیں نہیں۔
- (6) انٹرویو کیلئے کوئی TA / DA نہیں دیا جائے گا۔
- (7) خواہشمند امیدوار تمام اسناد کی تصدیق شدہ نقول درخواست کے ساتھ منسلک کر کے بند کپڑوں اور شناختی کارڈ کی نقول، دفتر یا میں اشاعت کے 15 دن کے اندر داخل کر سکیں۔
- (8) ذریعہ تخطی کو اختیار ہے کہ مندرجہ بالا ایڈورٹائزمنٹ خیر خواہ بنائے منسوخ کر سکتا ہے۔

نوٹ

مندرجہ بالا آسامیوں کی تعداد کم یا زیادہ ہو سکتی ہے۔

روزنامہ راج
بھونیر 3/10/18

ڈاکٹر محمد یونس داوڑ
ڈسٹرکٹ سرجن
ناتھ وڈ پریسٹن ٹرائل ڈسٹرکٹ میرانشاہ

PID (P) 101178/18

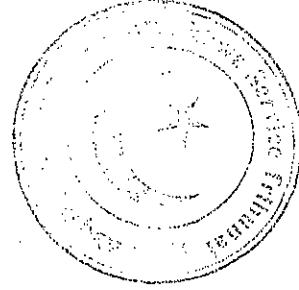
Amir
R

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 678/2013

Date of Institution ... 18.04.2013

Date of Decision ... 13.11.2017



Sherzada Pharmacy Technician, North Waziristan Agency. ... (Appellant)

VERSUS1. The Director Health (FATA) Department, Warsak Road, Peshawar and another.
... (Respondents)MR. MUHAMMAD ASIF YOUSAFZAI, ... For appellant
AdvocateMR. KABEERULLAH KHATTAK, ... For respondents.
Addl. Advocate General.MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. MUHAMMAD AMIN KHAN KUNDI, ... MEMBERJUDGMENTNIAZ MUIHAMMAD KHAN, CHAIRMAN.-

This judgment shall

also disposed of connected service appeals No.679/2013 Hafiz Ullah, No. 680/2013

Safeer Ullah, No. 681/2013 Asif Ullah, No. 682/2013 Hashim Faraz, No. 683/2013

Fida Ullah, No. 684/2013 Riaz Noor, No. 685/2013 Kaleem Ullah, No. 686/2013

Shahid Ullah, No. 687/2013 Shahan Zeb, No. 688/2013 Mst. Safia Bibi, No.

689/2013 Nek Zatullah, No. 690/2013 Haj Akbar, No. 691/2013 Zahid Noor, No.

692/2013 Saleem Ullah, No. 693/2013 Fateh Ullah, No. 694/2013 Farhat Ullah, No.

TESTED

Niaz Muhammad Khan
Chairman,
Peshawar

P

695/2013 Muhammad Yousaf, No. 696/2013 Azim Ullah, No. 697/2013 Fawad Khan, No. 698/2013 Amir Afghan, No. 699/2013 Nasrullah, No. 700/2013 Zain Ud Din, No. 701/2013 Said Awar Jan, No. 702/2013 Arshadullah, No. 703/2013 Zahib Ullah as in all the appeals common questions of law and facts are involved.

2. Arguments of the learned counsel for the parties heard and record perused.

FACTS

3. Pay of the appellants was stopped w.e.f. September, 2012 and now the appellants have approached this Tribunal for the release of their pay.

ARGUMENTS.

4. The learned counsel for the appellant argued that the appellants were appointed in the department and had been receiving pay for about one year and thereafter their pay was stopped on verbal orders of the department. That they have no written order, however, against the verbal order they filed a departmental appeal on 08.01.2013 which was not responded to and thereafter the present appeals. The learned counsel for the appellants further argued that the department may be directed to decide the departmental appeals of the appellants by taking into consideration a report of the Agency Surgeon, North Waziristan Agency dated 20.07.2016 addressed to the concerned Secretary in which the said officer had admitted the payment of pay to the appellants and the recruitments of new persons in their place.

5. On the other hand, the learned Addl. Advocate General argued that the present appeal is not maintainable because there is no original or appellate order. Secondly the department has disowned the appellants in their parawise comments.

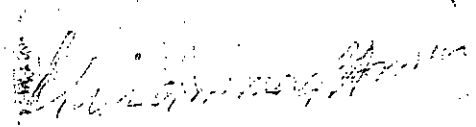
He also argued that no departmental appeal was ever filed as alleged by the appellants.

CONCLUSION.

6. The service books available on the files depict that the appellants were appointed as Pharmacy Technician on 01.01.2012, therefore, it cannot be believed that the appellants were not appointed in the department. According to the appellants they have been drawing their salaries for about one year. In the memorandum of appeals in para-3 it has been clearly written that no proper order was passed by the department for the stoppage of their salary and that it was only stopped by the Agency Surgeon. It appears that in the parawise comments the department has tried to wriggle out from this scenario by raising technical grounds like appointment made without advertisement and non holding of Departmental Selection Committee, non production of appointment letters; But this Tribunal is of the view that how the appellants had been drawing their salary for a considerable period. Under the law this Tribunal has the jurisdiction only when there is original or appellate order but nowhere it is mentioned in the law that this order should be in written form. If this Tribunal is made to believe that there was some oral order whereby any civil servant is aggrieved then, of course, this Tribunal can seize the jurisdiction. Payment of pay, entry in service book and then stoppage of pay are ample proofs of the appellants being in service of the department, rightly or wrongly. The appellants allegedly filed departmental appeals against the oral order which have been denied by the department. At this stage, this Tribunal is not in a position to determine whether the stance of the appellant is correct or that of the department is correct regarding filing of department appeals. However, keeping in view the peculiar circumstances of the present appeals and in the interest of justice,


the present memo. of appeals can be treated as departmental appeals, if departmental appeals are not preferred by the appellants. The appeals are remitted back to the appellate authority to treat these memo. of appeals as departmental appeals and decide the same within a period of 90 days from the date of receipt of this judgment. They are also directed to pass a speaking order regarding the status of the appellants and how did they draw their salaries, for a period of one year and how and why their salaries were stopped.


7. In view of the above, all these appeals are disposed of. Parties are left to bear their own costs. File be consigned to the record room.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


(NIAZ MUHAMMAD KHAN)
CHAIRMAN

ANNOUNCED
13.11.2017

Certified copy

K...
P...

ANNOUNCED




DIRECTORATE HEALTH SERVICES FATA
FATA SECRETARIAT, WARSAK ROAD, PESHAWAR.

No: 22580 /DHS/FATA/Liti: date: 29-11-2017

24

B 13

To

The Agency Surgeon,
NW Agency.

Subject:- JUDGMENT IN APPEAL NO. 678/13, MR. SHERZADA AND
OTHERS.


Enclosed please find herewith a judgment announced by Khyber Pakhtunkhwa Service Tribunal on 13.11.2017 in the subject appeal.

The appellants were appointed by the then Agency Surgeon NWA in the year 2012 and get salaries for about one year and then stopped their salaries on verbal direction.

You are, therefore, directed to submit detail report with documentary proof regarding the subject appeal that how and why the salaries of the concerned appellants were stopped. The same must be reached to this Directorate within three days after receipt of this letter, in order to proceed the appeal in proper direction.


Director Health Services,
FATA, Peshawar.

9c

RECEIVED


C 12

OFFICE OF THE AGENCY SURGEON NORTH WAZIRISTAN

Phone & Fax: (0928)300788-311662 Email: agency Surgeon nwa@gmail.com
No. 6007 /C-2, Dated Miranshah the 19 /12/2017.

To

✓
The Director Health Services,
FATA, Warsak Road Peshawar.

Subject:- JUDGMENT TO APPEAL NO.678/013 MR STIERZADA AND OTHERS.

Memo:-

Kindly refer your letter No.22580 dated 29/11/2017 and remainder dated 12/12/2017 on the subject noted above and to state that they were appointed under the control of this office in the year, 2011-2012 and were drawing their salaries upto 31/08/2012 regularly. they were not terminated up till now. But their salaries were stopped without any written orders, i.e. verbally.

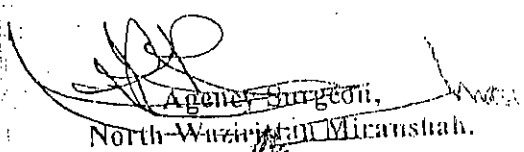
It is worth mention that **Dr. Muhammad Sadiq** Ex-Agency has been stopped their salaries without valid reason and later on their salaries were released reason well known to him.

The newly posted Agency Surgeon **Dr. Azam Wazir** not only stopped their salaries but he appointed 11 blue eye persons in place of the appellants, while the appellants had already lodged appeal against the discrimination of the said officers.

When **Dr. Azam Wazir** was transferred and **Dr. Jahan Mir** was posted as Agency North Waziristan Agency the remaining posts of the appellants were filled by the Agency Surgeon **Dr. Jahan Mir** by appointing their favourite persons in place of the appellants illegally, while he was well aware of the fact that the issue is under consideration in the court but he did not pay any heed to their request which is clear violation of law, rules and regulations.

It is further stated that this office has already submitted various detail reports along with documentary proofs on the subject case to your good office, SSD FATA and courts as well as also on 29/04/2016, 20/07/2016 and 22/12/2016, but no action has been taken up till now.

Therefore, it is requested that this office may kindly be guided to release their salaries or otherwise, to avoid COC and more litigations of the honorable court please.


Agency Surgeon,
North-Waziristan Miranshah.

Copy forwarded to the Registrar Khyber Pakhtunkhwa Service Tribunal
Peshawar w/r to his letter No. 2491/ST dated 20/11/2017.

Agency Surgeon,
North Waziristan Miranshah

R

DIRECTORATE HEALTH SERVICES FATA
FATA SECRETARIAT, WARSAK ROAD, PESHAWAR.

No: 24332-33/DHS/FATA/Liti date: 28-12-2017

D 15

The Agency Surgeon,
NW Agency.

Subject: JUDGMENT TO APPEAL NO. 678/13-MR. SHERZADA AND OTHERS.

Reference your letter No. 6007/C-2 dated 19.12.2017 on the subject noted above and to direct you to submit updated sanctioned filled vacant positions of NW Agency to enable this Directorate to proceed further in the matter before the next date of hearing in the court.

Director Health Services,
FATA, Peshawar.

No. _____ /DHS/FATA/Liti
Copy to the:

Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.

Director Health Services,
FATA, Peshawar.

ATTESTED

EC 16 ~~16~~

OFFICE OF THE AGENCY SURGEON NORTH WAZIRISTAN

Phone&Fax(0928)300788-311662 =email:agencyurgeonwa2018@gmail.com

No. 6822 /C-2 Dated Miran Shah the 12 /01/2018.

To

✓
The Director Health Services.

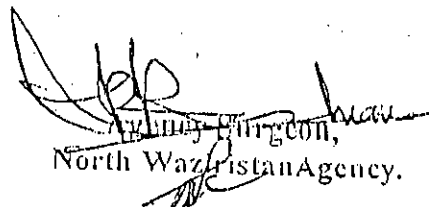
FATA, Warsak Road Peshawar.

Subject: - JUDGMENT TO APPEAL No. 678/2013- R. SHERZADA AND
& OTHERS.

Memo: -

Reference your letter No.24332-33/DIN/FATA/Liti: dated 28/12/2017 on the subject noted above. I have the honour to submit herewith photo copies of sanctioned, filled and vacant position on the strength of Agency Surgeon North Waziristan Agency.) and Medical Superintendent AHQ Hospital Miran Shah for information and further proceeding, in matter as desired please.

It is further added that there is no vacant post of Paramedics. However, if the applicants may be adjusted against the vacant posts of Charges Nurses BPS-16 for the purpose of drawl of pay and allowances. Latter then they will be adjusted after availability of clear vacancies of Paramedics to avoid COC and more litigation of honourable court.


Agency Surgeon,
North Waziristan Agency.

No. _____ /C-2.

Copy forwarded to the Registrar Khyber Pakhtoonkhwa Service Tribunal Peshawar for information

Agency Surgeon,
North Waziristan Agency.

APPROVED
A



DIRECTORATE OF HEALTH SERVICES FATA

FATA SECRETARIAT WARSAK ROAD PESHAWAR

PH # 091-9210212

FAX # 091-9212110

F 17

17

OFFICE ORDER

Dr. Sahibzada Muhammad Khalid Assistant Director (Admn) DHS FATA, is hereby nominated as inquiry officer to conduct fact-finding inquiry in the attached judgment of Khyber Pakhtunkhwa Service Tribunal Peshawar regarding appointed Mr. Sherzada and others against various categories by the then Agency Surgeon North Waziristan in the year 2011 and received their salaries upto 31-8-2011 and submit the report with clear recommendations and fixation of responsibility, within ten (10) days of the receipt of this office order.

--sd--

Director Health Services,
FATA, Peshawar.

No. 2441-42 /DHS/FATA/Admin

Dated 12 / 02 / 2018

Copy forwarded to the:-

- 1) Assistant Director (Admn) DHS FATA. (Inquiry Officer)
- 2) Agency Surgeon North Waziristan Agency.

For information and necessary action.

Deputy Director (Admin),
DHS, FATA.

[Handwritten signature]
7/1/18

ATTESTED
2



DIRECTORATE OF HEALTH SERVICES FATA

FATA SECRETARIAT, WARSAK ROAD, PESHAWAR.

Phone: 091-9210212

FAX: 091-9212110

9-18

OFFICE ORDER

In pursuance of court proceedings in Writ Petition No. 678/2013-Sherzada and others VS ACS FATA and others, the following officers are hereby appointed as inquiry officers to conduct a fact finding inquiry in the recruitment process in the office of Agency Surgeon NWA at Miranshah during the year 2012:

- i. Dr. Hameedullah, Medical Superintendent AHQH Miranshah
- ii. Dr. Shams ur Rehman, Coordinator HSRU FATA.

They are directed to submit report alongwith recommendations to this Directorate within a week of time before the next date of hearing in the court, i.e., 02.05.2018.

Sd/xxxxx
Director Health Services,
FATA Peshawar

No. 8879-87 /DHS/Admn/FATA Dated: 17 / 04 / 2018

Copy for information and necessary action to:

1. Agency Surgeon NWA. He is directed to extent his full cooperation to the inquiry officers so as to complete the inquiry in time.
2. Officers concerned.

Director Health Services,
FATA Peshawar

17/4/18
ATTACHED



OFFICE OF THE MEDICAL SUPERINTENDENT
DHQ HOSPITAL TDNW.

No. 1757 /Inquiry, Dated Miranshah the 30 /07/2018.

To

The Director Health Services,
FATA, Warsak Road Peshawar.

Subject:- INQUIRY.

Memo :-

Reference Your letter No.8879-81/DHS/FATA and 14079-81/DHS/FATA/Admn dated 17/04/2018 and 8/06/2018 respectively on the subject noted above, I have the honour to state as per your direction I inquired into the matter and all the employee were called for physical verification. All of them were personally present alongwith original CNICs and personally collected other related documents i.e, Aquitance Roll, Pay bills and charge reports etc, Except of some was misplaced due to military operation Zarb-e-Azb. Beside this most of the appellants were appeared before the inquiry officer Dr Shams U Rehman and later on submitted all the documents with Dr. Shahib Zada Khalid Asst: Director Admin, as per report of the said inquiry officer.

It is further stated that all the employees (38) were appointed during the year, 2011-12 and receiving their salaries regularly to the entire satisfaction of his superior since 31/08/2012 without no complaints, their salaries were stopped without any written orders / termination orders by the Ex-Agency Surgeons NWA. But not only stopped their pays but appointed blue eyed persons in their places illegally without codal formalities.

Recommendation:-

The frozen salaries of the employees may be released in the larger interest of justice being innocent.

Certificate:-

It is certified that most of the record of the Agency Surgeon North Waziristan Office has been completely destroyed/ misplaced due to military operation Zarb-e-Azb.

Medical Superintendent,
DHQ Hospital Miranshah.

Handwritten signature and stamp



DIRECTORATE OF HEALTH SERVICES

TRIBAL DISTRICTS SECRETARIAT WARSAK ROAD PESHAWAR

PH # 091-9210212

FAX # 091-9212110

NO. *2/2018*

/DHS/ADMIN

DATED: *28* / *8* / 2018

By FAX, E Mail & Post

To

The Agency Surgeon,
Tribal District - North Waziristan.

Subject:- ENQUIRY.

It is to inform you that Mr. Sherzada and others made an appeal for restoration their services and the appeals have lastly been sent to the undersigned as an enquiry officer to probe into.

1. Names
2. Date of appointment
3. 1st salary drawn (Month & Year)
4. All the time line in which salary stopped and released amongst anyone of the aggrieved.
5. When last salaries stopped. (Month & Year)
6. Any record at office to unveil the reason of stoppage.
7. Appointing authority at the time of stoppage of pay
8. Have their termination orders been served upon them?
9. Who was the head clerk and dealing account clerk by them?

The information shall reach to the undersigned within two days (02) after Eid ul Azha vacations: The letter shall be treated as the most urgent and any laxity or negligence shall not be over-looked as justice delayed is in-justice.

[Signature]
Assistant Director (Admin),
DHS, Tribal Districts.

No. _____/DHS/Admin

Copy for information to the :-

1. Director Health Services, Tribal Districts, Peshawar.
2. Deputy Director (Admin), Tribal Districts, Peshawar.

Assistant Director (Admin),
DHS, Tribal Districts.

FILED
[Signature]

Attention Sir Sahib Zada Khel
Bto.

OFFICE OF THE AGENCY SURGEON
NORTH WAZIRISTAN TRIBAL DISTRICT AT MIRANSHAH

Tel: (0928) 300788 FAX: (0928) 311662

Email: agency surgeon nwa 2018@gmail.com

10/11

3/9/2018

To,

J (21)

The Assistant Director Admn:
DHS Tribal District Peshawar.

Subject:- ENQUIRY
Dear Sir,



Reference your office letter No. 21067/DHS/Admn: dated 20/08/2018 on the subject cited above.

I have the honour to state that there is no record which shows the termination of related staff, and also there is no record of their termination, submitted for further necessary action please.

AGENCY SURGEON
N.W. TRIBAL DISTRICT

No _____

Copy forwarded to the :
1-Director Health Services Tribal Districts Peshawar for information please.


AGENCY SURGEON
N.W. TRIBAL DISTRICT


ATTESTED
*



OFFICE OF THE AGENCY ACCOUNTS OFFICER
NORTH WAZIRISTAN AGENCY MIRAN SHAH

No. AAO/MRN/NWA/2018-19/ 2085 Dated 17/9/2018

To,

K 22

The Director Health Services,
FATA Peshawar.

SUBJECT:- ENQUIRY.

Memo,

Kindly refer to your memo No. 22054/DHS/Tribal District/Admn dated 14/09/2018 on the above subject.

In this regard it is stated that pay of 26 officials mentioned in the above memo was retrenched from manual pay bills by one reason & other by the department not known to this office at that time. Manual pay bills now are not available in this office due to operation Zarb-e-Azab conducted Pak Army in 06/2014.

To proceed in the matter further you are requested to approach Agency Surgeon Office NWA as maintenance of non gazetted record is their responsibly.

Note: No record of termination/suspension available in this office

[Signature]
Agency Accounts Officer
NWA Miran Shah

[Signature]
17/9
1719118

REGISTERED
[Signature]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

L (23)

Execution Petition No. 252 /2018
In Service Appeal No.678/2013 to 703/2013

- | | |
|----------------------|---------------------|
| 1. Mr. Sherzada | appeal No. 678/2013 |
| 2. Hafiz Ullah, | appeal No.679/2013 |
| 3. Safeer Ullah, | appeal No. 680/2013 |
| 4. Asif Ullah, | appeal No.681/2013 |
| 5. Hashim Faraz, | appeal No.682/2013 |
| 6. Fida Ullah, | appeal No. 683/2013 |
| 7. Riaz Noor, | appeal No.684/2013 |
| 8. Kaleem Ullah, | appeal No. 685/2013 |
| 9. Shahid Ullah, | appeal No. 686/2013 |
| 10. Shahanzeb, | appeal No. 687/2013 |
| 11. Safia Bibi, | appeal No. 688/2013 |
| 12. Nek Zatullah, | appeal No. 689/2013 |
| 13. Haj Akbar, | appeal No. 690/2013 |
| 14. Zahid Noor, | appeal No. 691/2013 |
| 15. Saleem Ullah, | appeal No. 692/2013 |
| 16. Fateeh Ullah, | appeal No. 693/2013 |
| 17. Farhat Ullah, | appeal No. 694/2013 |
| 18. Muhammad Yousaf, | appeal No. 695/2013 |
| 19. Azi Ullah, | appeal No. 696/2013 |
| 20. Fawad Khan, | appeal No. 697/2013 |
| 21. Ameer Afghan, | appeal No. 698/2013 |
| 22. Nasr Ullah, | appeal No. 699/2013 |
| 23. Zain Uddin, | appeal No. 700/2013 |
| 24. Said Anwar, | appeal No. 701/2013 |
| 25. Arshad Ullah, | appeal No. 702/2013 |
| 26. Zabeeh Ullah, | appeal No. 703/2013 |

PETITIONER

VERSUS

1. The Director, Health Services (FATA), warsak Road Peshawar.
2. The agency Surgeon, North Waziristan Agency, Miranshah.

RESPONDENTS

**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE
JUDGMENT DATED 13.11.2017 OF THIS
HONOURABLE TRIBUNAL IN LETTER AND
SPIRIT.**

ATTESTED
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RESPECTFULLY SHEWETH:

1. That the petitioners have filed appeals bearing No. 678/2013 to 703/2013 in this august Tribunal for directing the respondents to pay monthly salaries to the appellant with effect from September, 2012 till date and onward and against not taking any action on the departmental appeal of the appellant within statutory period.
2. That the said appeals were heard by the Honourable Tribunal on 13.11.2017 in which the august Tribunal remitted the appeals back to the appellate authority to treat these memo. of appeals as departmental appeal and decide the same within a period of 90 days from the date of receipt of the judgment. They are also directed to pass a speaking order regarding the status of the appellant and how did they draw their salaries for a period of one year and how and why their salaries were stopped. The said judgment was issued by the Registrar KPK, Service Tribunal, Peshawar vide letter dated 20.11.2017. **(Copy of judgment and letter of letter are attached as Annexure-A&A1)**
3. That on the basis of above direction of this august Tribunal, the Director Health Services (FATA) Peshawar wrote a letter to Agency Surgeon NWA on 29.11.2017 and directed him to submit detail report with documentary proof regarding the subject appeal that how and why the salaries of the appellants were stopped. In response to the letter dated 29.11.2017 the Agency surgeon submitted the detail report to the Director Health Services (FATA) Peshawar on 19.12.2017 in which the Agency Surgeon mentioned that Dr. Muhammad Sadiq Ex-Agency has been stopped their salaries without valid reason and later on their salaries were released reason well known to him. The newly posted Agency Surgeon Dr. Azam Wazir not only stopped their salaries but he appointed 11 blue eye persons in place of the appellants, while the appellants had already lodged appeal against the discrimination of the said officers. When Dr. Azam Wazir was transferred and Dr. Jahan Mir was posted as Agency North Waziristan Agency the remaining posts of the appellants were filled by the Agency Surgeon Dr. Jahan Mir by he was well aware of the fact that the issue is under consideration in the court, but he did not pay any heed to their request which is clear violation of law, rules and regulations. It is further stated that this office has already submitted various detail reports along with documentary proofs on the subject case to your good office, SSD FATA and courts as well as also on 29.04.2016 , 20.07.2016 and 22.12.2016, but no action has been taken up till now. Therefore, it is requested that this office may kindly be guided to release their salaries or otherwise, to avoid COC and more litigations of the honorable court please. **(Copy of letter dated 29.11.2017 and reply of Agency Surgeon are attached as Annexure-B&C)**

A
ED

4. That the Director Health Services (FATA) also asked from Agency Surgeon through letter dated 28.12.2017 to submit sanctioned, filled, vacant positions of NWA Agency on which the Agency Surgeon submitted report of photo copies of sanctioned, filled and vacant position on the strength of Agency Surgeon (North Waziristan Agency) and Medical Superintendent AHQ Hospital Miran Shah for information and further proceeding, in matter as desired please. It is further added that there is no vacant post of Paramedics. However, if the applicants may be adjusted against the vacant posts of Charges Nurses BPS-16 for the purpose of drawl of pay and allowances. Latter then they will be adjusted after availability of clear vacancies of Paramedics to avoid COC and more litigation of Honourable court. **(Copies of letter dated 28.12.2017 and report are attached as Annexure-D&E)**
5. That despite the direction of honorable Tribunal to treat memo appeal as departmental appeal and same is decided within 90 days and the report submitted by the agency surgeon NWA, the Director Health FATA, passed an order on 12.02.2018 to conduct fact finding inquiry against the petitioners which is total violation of the direction of the august Tribunal .
6. That in-action and not fulfilling formal requirements by the department after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.
7. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the department is legally bound to obey the judgment dated 13.11.2017 of this Honourable Tribunal in letter and spirit.
8. That the petitioner has having no other remedy except to file this execution petition.

It is, therefore, most humbly prayed that the department may be directed to implement the judgment dated 27.10.2017 of this august Tribunal in letter and spirit. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.

THROUGH: *M. Asif Yousafzai*
M. ASIF YOUSAFZAI
ADVOCATE SUPREME COURT,
 & *Taimur Ali Khan*
TAIMUR ALI KHAN
ADVOCATE HIGH COURT.

RECEIVED
A

AFFIDAVIT:

It is affirmed and declared that the contents of the above Execution Petition are true and correct to the best of my knowledge and belief.

[Signature]

DEPONENT

REGISTERED
X

❖ BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Execution Petition No. _____/2018
In Service Appeal No.678/2013 to 703/2013

1. Mr. Sherzada and Others.

.....PETITIONER

VERSUS

- 3. The Director, Health Services (FATA), Warsak Road Peshawar.
- 4. The Agency Surgeon, North Waziristan Agency, Miranshah.

....RESPONDENTS

APPLICATION FOR RESTRAINING THE RESPONDENTS TO CONDUCT FACT FINDING INQUIRY AGAINST THE PETITIONER TILL THE DISPOSAL OF EXECUTION PETITION

RESPECTFULLY SHEWETH:

- 1. That the petitioners has filed the execution petition for implementation of judgment dated 13.11.2017 in which no date is fix so for.
- 2. That this august Tribunal directed the respondents to treated the memo of appeal as departmental appeal and decide them within ninety days but despite the clear direction of this Honourable Tribunal the respondents instead of taking action on the direction of this august Tribunal respondent No.1 issued an order on 12.02.2018 to conduct fact finding inquiry against the petitioners which is total violation of the direction of the august Tribunal. *Copy of order dt 12-2-2018 attached as Annex - f*
- 3. That the grounds of execution petition may also be considered as integral part of this application.
- 4. That the petitioners has a good prima facie case and all the three ingredients are in favour of the petitioners.

ATTACHED
/

It is therefore most humbly prayed that on acceptance of this application the respondents may please be restrain from conducting fact finding inquiry against the petitioners till the disposal of execution petition.

PETITIONERS

THROUGH:

M. Asif Yousafzai

M. ASIF YOUSAFZAI
ADVOCATE SUPREME COURT,
&

Taimur Ali Khan

TAIMUR ALI KHAN
ADVOCATE HIGH COURT.

AFFIDAVIT:

It is affirmed and declared that the contents of the above application are true and correct to the best of my knowledge and belief.

[Signature]

DEPONENT

~~ATTESTED
Oath Commissioner
Zafloor Advocate
Distt: Court, Rawalpindi~~

20 FEB 2018

ATTESTED
A



DIRECTORATE HEALTH SERVICES

TRIBAL DISTRICTS, PESHAWAR.

No: _____/DHS/Lit: date: 3-09-2018
23289-23308/

M 29

To

1. Mr. Sherzada Pharmacy Tech
2. Mr. Hafiz Ullah, Malaria Supervisor
3. Mr. Safer Ullah, Pharmacy Tech.
4. Mr. Asif Ullah, Malaria Supervisor.
5. Mr. Hashm Faraz, Pharmacy Tech.
6. Mr. Fariullah, Laboratory Tech.
7. Mr. Riaz Noor, Malaria Supervisor.
8. Mr. Kaleemullah, Malaria Supervisor.
9. Mr. Shahidullah, Malaria Supervisor
10. Mr. Shahanzeb, EPI Tech.
11. Miss. Safia Bibi, LHV
12. Mr. Nek Zatullah, Malaria Supervisor.
13. Mr. Haji Akbar, Malaria Supervisor.
14. Mr. Zahid Noor, Malaria Supervisor.
15. Mr. Saleemullah, Lab. Tech.
16. Mr. Fatehullah, EPI Tech.
17. Mr. Farhatullah, Malaria Supervisor.
18. Muhammad Yousaf, J/Pharmacy Tec
19. Mr. Azeemullah, Malaria Supervisor.
20. Mr. Fawad Khan, Malaria Supervisor.
21. Mr. Amir Afghan, Malaria Supervisor.
22. Mr. Nasrullah, Malaria Supervisor.
23. Mr. Zainuddin, Malaria Supervisor.
24. Mr. Said Anwar, Malaria Supervisor.
25. Mr. Arshadullah, Malaria Supervisor.
26. Mr. Zabihullah, Malaria Supervisor.

Subject:- APPEAL NOS. 678/13 TO 703/13-MR. SHERZADA AND OTHERS.

Reference to your appeals received in this Directorate through Khyber Pakhtunkhwa Service Tribunal order dated 13.11.2017. In light of the said order, a departmental enquiry was constituted which has submitted its report alongwith recommendation that the said appeals are not maintainable due to the following reasons.

- i. Non availability of clear vacant posts.
- ii. Codal formalities in the recruitment process were not fulfilled.

In the light of above reasons, your appeals for release of salaries and reinstatement are hereby rejected.

Director Health Services,
Tribal Districts, Peshawar.

No. _____/DHS/FATA/Liti

Copy to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. Agency Surgeon NW Agency.
3. Agency Accounts Officer, NW Agency.

Director Health Services,
Tribal Districts, Peshawar.

AT 11/10/17

*

صدا - ارضی سرچین تازہ کارڈ و دیگر دستاویز ارضی سرچین کے بارے میں

N (30)

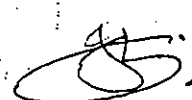
مختصران - پیدائش کے اوقات

تاریخ ادب کے سلسلے میں گذارہ ہیں، کہ سماج کے ساتھ کچھ لوگوں کے
تعمیراتی بند تھے۔ لیکن انہوں نے سیاسی اور ادبی حلقوں پر اپنے تعمیری
ریٹرنز کیے اور سماج کو تعمیری حلقوں میں ستمبر 2012 سے اب تک
رہنمائی کرنے میں بہت کام کیا۔ ان کے کاموں نے سماج کو تعمیری بندوں کے
میں سے نکلنے کی راہ دکھائی اور انہوں نے تعمیری حلقوں کو دیکھنا سکھایا۔

بڑا کام جن بندوں کو تعمیری حلقوں میں رہنے سے پہلے ہی اس طرح کے
تعمیری حلقوں میں Release کرنے کے نام سے ان کے اوقات کا پورا پورا سہارا
جن کے نام سے حلقوں میں سماج کے Dispersed ہے۔

- 1- محمد یوسف
- 2- احمد الدین
- 3- سعید محمد

H/c.
for report


A. Saeed 20/7

P.T.O

ایک بار پھر
سکرٹری جنرل
ادارہ

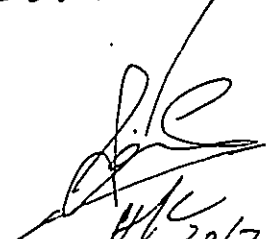
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Report of Head Clerk

31

It is stated that the appeal regarding for justice is based on facts with the remarks that the salaries of the appellants mentioned in the appeal has been stopped without any termination order / coooble formalities. Later on their salaries has been released by the Ex-Agency. ^(Originaly) Surgeon? The reasons known to best him.

The above actual and factual report is submitted for further necessary action as desired please.


H/M 20/7/016

to

درخواستیں مطلوب ہیں

32

ذریعہ تخلیقی کو برائیل ڈسٹرکٹ ہارٹھ ڈسٹرکٹ کی عالی آسامیوں کیلئے درخواستیں مطلوب ہیں۔ لہذا امیدوار اس اشاعت کے بعد 15 دن یعنی مورخہ 18/10/2018 تک درخواستیں جمع کرا سکتے ہیں۔ نامکمل یا متفرق تاریخ کے بعد آنے والی درخواستوں پر غور نہیں کیا جائے گا۔ اسنو پوسٹ رجسٹرڈ ایڈریس کے مطابق بوقت 10:00 بجے تک دفتر ذریعہ تخلیق میں ہوگا۔

سیریل نمبر	نام آسامی	ذریعہ تخلیق	مر	تعلیمی قابلیت	تاریخ امتحان
1	کلیدی کلنگ ٹیکسٹ (ایس بی سی)	12	18	30	25-10-2018
2	کلیدی کلنگ ٹیکسٹ (OT)	12	18	30	25-10-2018
3	کلیدی کلنگ ٹیکسٹ (بلڈ ٹیک)	12	18	30	25-10-2018
4	کلیدی کلنگ ٹیکسٹ (ریڈیالوجی)	12	18	30	25-10-2018
5	کلیدی کلنگ ٹیکسٹ (ای سی سی)	12	18	30	25-10-2018
6	کلیدی کلنگ ٹیکسٹ (سٹریٹوٹھن)	12	18	30	25-10-2018
7	کلیدی کلنگ ٹیکسٹ (فارمیسی)	12	18	30	26-10-2018
8	لیڈی ہینڈ و رائٹر	12	18	30	26-10-2018
9	ای سی سی کلنگ ٹیکسٹ	12	18	30	26-10-2018
10	سنو کبیر	12	18	30	26-10-2018
11	ڈراماٹور	06	18	30	26-10-2018

روزنامہ آج
کشمیر 3/10/18

- (1) ہارٹھ ڈسٹرکٹ نرائیل ڈسٹرکٹ سے تعلق رکھنے والے کو ترجیح دی جائے گی۔ بصورت دیگر قریبی اضلاع کے امیدواروں کی درخواستوں پر غور کیا جائے گا۔
- (2) تقرری صوبائی حکومت کے موجودہ اعداد و ضوابط کے تحت عمل میں لائی جائے گی۔
- (3) انٹرویو کیلئے تمام اسٹانڈاڈ لائسنس ہونگے۔
- (4) تقرری بصورت متعلقہ کاغذات متعلقہ اداروں سے جانچ پڑتال کے بعد کی جائے گی۔ علاوہ استاذات ثابت ہونے کی صورت میں قانونی کارروائی کی جائے گی۔
- (5) سرکاری ملازمین کو ملازمت سے درخواستیں نہیں۔
- (6) انٹرویو کیلئے کوئی TA / DA نہیں دیا جائے گا۔
- (7) خواہشمند امیدوار تمام اسٹانڈاڈ کی تصدیق شدہ نقول درخواست کے ساتھ منسلک کر کے ہندو کیمپوز ڈسٹریکٹ کارڈ کی نقول دفتر ہائس اشاعت کے 15 دن کے اندر داخل کر سکتے ہیں۔
- (8) ذریعہ تخلیقی کو اختیار ہے کہ مندرجہ بالا ایڈریس پر نامزد ہونے والے متعلقہ شعبہ سے منسوخ کر سکتا ہے۔

ڈاکٹر محمد یونس داؤد

ڈسٹرکٹ سرجن

ہارٹھ ڈسٹرکٹ نرائیل ڈسٹرکٹ ہیرا شاد

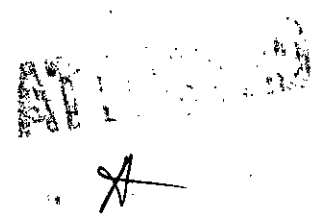
PID (P) 101178/18

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TYPE "D" HOSPITAL, RAZMAK NW AGENCY

32

#	Designation	BPS	Posts in the Yardstick	Existing Posts	Posts sanctioned
1	Administrator/SMO	18	1	1	0
2	Surgical Specialist	18	1	0	1
3	Medical Specialist	18	1	0	0
4	Gynaecologist	18	1	0	1
5	Paediatrician	18	1	0	0
6	GDMOs	17	11	1	7
7	Nurses	16	9	0	9
8	Anaesthesia Tech:	12	2	0	2
9	OT Tech:	12	2	1	1
10	Blood Bank Tech:	12	1	0	1
11	Lab: Tech:	12	2	1	1
12	X-ray Tech:	12	2	1	1
13	ECG Tech:	12	1	0	1
14	Sterilization Tech:	12	1	0	1
15	Dental Tech:	12	1	1	0
16	Pharmacy Tech:	12	5	2	2
17	LHV	12	1	0	1
18	EPI Tech:	12	2	0	1
19	Store keeper	12	1	0	1
20	Clerk	11	1	0	1
21	Driver	6	1	0	1
22	Dai	4	4	1	
23	OT Attend:	3	0	1	
24	X-ray attend:	3	0	1	
25	Lab: Attend	3	0	1	
26	Dental Attend:	3	0	1	
27	Ward Attendants	3	6	2	
28	Sweeper	3	4	2	
29	Mali	3	1	2	
30	Qowkidars	3	5	2	
31	M/Qasid	3	2	0	
32	Laundry	3	2	0	
33	Cook	3	0	1	
	Total		72	22	33



Creation of PSC For NWA

34

12	Civil Dispensaries at Sher Ajam Kot Tehsil Dosali	Pharmacy Tech: Chowkidar	12 03	01 01
13	Civil Dispensaries at Hakim Jan Mir Ali	Pharmacy Tech: Chowkidar	12 03	01 01
14	Civil Dispensaries at Mantaz Mir Ali	Pharmacy Tech: Chowkidar	12 03	01 01
15	Labour Suit at Rashid Khan Kot in CD Wozi Tehsil Mir Ali	Leady Health Visitor Dai Chowkidar	12 04 03	01 01 01
16	Labour Suit at CD Tariq Aziz Kot Khaddi Tehsil Mir Ali	Leady Health Visitor Dai Chowkidar	12 04 03	01 01 01
17	Labour Suit at Farid Khan Kot Tehsil Mir Ali	Leady Health Visitor Dai Chowkidar	12 04 03	01 01 01
18	Mother Child Health Center at Abdul Manan Kot Aba Khel Spinwarm	Leady Health Visitor Dai Chowkidar	12 04 03	01 01 01
19	Community Health Center at Mamal Kala NWA	Pharmacy Tech: Leady Health Visitor EPI Tech: Dai Sweeper Chowkidar	12 12 12 04 03 03	01 01 01 01 01 01
Total				55

2. The expenditure involved shall be debitale to the major Head 07-Health, 073-Hospital Services, 0731-General Hospital Services, 073101-General Hospital Services under DDO Code PR0049, and shall be met out within the sanctioned Budget Grant under Demand No.99-FATA in the current financial year 2017-18, subject to observance of all codal formalities under intimation to Finance Department FATA, Secretariat and Additional Accountant General, Pakistan Revenues, Sub Office, Peshawar.

N.W.A. FATA
S.No. 4400
Date 8-6-18

Yours faithfully

Sadia Asghar
(Sadia Asghar)
Section Officer (FATA-II)

Copy forwarded to the:-

1. Secretary Social Sectors Department, FATA
2. Secretary A,I&C Department, FATA
3. Director Health Services (FATA)
4. PS to Additional Chief Secretary, FATA.
5. PS to Secretary Finance, FATA.

for information and necessary action.

for information.

Sadia Asghar
(Sadia Asghar)
Section Officer (FATA-II)

ASA/O.S/SWE/PO
17/6/18

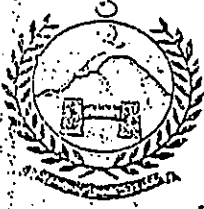
ATTESTED

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Reminder



DIRECTORATE GENERAL HEALTH SERVICES, GOVT: OF KHYBER PAKHTUNKHWA, PESHAWAR.

NO 5284-79 / PERSONNEL
DATED 8 / 05 / 2015.

To,

1. The Chief Executive of Teaching Hospital in Khyber Pakhtunkhwa
2. The DHS (FATA) Peshawar.
3. The All DHOs/MSs in Khyber Pakhtunkhwa.

Subject: OFFICE ORDER.
Memo:

D.H.S. FATA Office
Diary No. 3884
19-05-2015

Please refer to this Directorate office order bearing Endst. No. 3620-87/Personnel dated 26.03.2015, on the subject noted above.

You are once again directed to submit a certificate to the effect that no officers/officials is posted on Ex-cadre post or on general duty.

The certificate duty signed by the DDO/Controlling officer must reach to this Directorate with in one week but later then 15.05.2015.

DDA
D
K.P.K

ADN

DIRECTOR GENERAL HEALTH SERVICES, K.P.K PESHAWAR

DIRECTORATE OF HEALTH SERVICES FATA, PESHAWAR

No. 14935-55 DHS/FATA/Admn

Date. 11 / 06 / 2015

Copy is forwarded to the:-

1. All Agency Surgeons in FATA/FRs.
2. All Medical Superintendents AHQHs in FATA
For information and early response.

Director Health Services,
FATA, Peshawar

**OFFICE OF THE AGENCY SURGEON
NORTH WAZIRISTAN AGENCY MIRANSHAH.
AT PRESENT BANNU PHONE & FAX NO.0928-620995.**

36

No. 3289 /S-2-A, Dated Bannu the 12 /06/2015

To
The Director Health Services
FATA, Warsak Road Peshawar

Subject: OFFICE ORDER.
Memo

Reference your letter endorsement No 14235-55/DHS/FATA/Admn: dated 04/06/2015 on the subject noted above. I have the honour to submit the requisite information i.e. officers/officials posted on Ex-cadre post or on general duty as per detail given below for favour of information and further necessary action as desired please.

S.#	Name and Designation with grade.	Ex-cadre post.	Justification / Remarks.
1.	Mr. Goharullah JCT(Pharmacy)BPS-9.	Charge Nurse BPS-16	He was surplus in NWA and was adjusted by DHS FATA for the purpose of drawal of pay against the post of Charge Nurse.
2.	Mr. Ashraf Ali Khan, JCT(Pharmacy)BPS-9	LHV BPS-9	He was transferred from other Agency by DHS FATA and was adjusted against the post of LHV due to non availability of clear vacant post of JCT(Pharmacy).
3.	Mr. Saeed Noor, JCT(Pharmacy)BPS-9	LHV BPS-9	-do-
4.	Mr. Najeebullah JCT(Pharmacy)BPS-9	LHV BPS-9	-do-
5.	Mr. Mahir Khan JCT(Pharmacy)BPS-9	LHV BPS-9	-do-
6.	Mr. Zahoor Badshah JCT(Pharmacy)BPS-9	LHV BPS-9	-do-
7.	Mr. Azizullah JCT(Pharmacy)BPS-9	LHV BPS-9	-do-
8.	Mr. Bastabaz JCT(Pharmacy)BPS-9	LHV BPS-9	-do-
9.	Mr. Shah Nawaz JCT(Pharmacy)BPS-9	LHV BPS-9	-do-
10. ✓	Mr. Muhammad Yousaf JCT(Pharmacy)BPS-9	LHV BPS-9	Reinstated through KPK Service Tribunal Peshawar and was adjusted against the post of LHV due to non availability of clear vacant post of JCT(Pharmacy).
11. ✓	Mr. Ahmadullah JCT(Pharmacy)BPS-9	LHV BPS-9	-do-
12. ✓	Mr. Sakhi Muhammad JCT(Pharmacy)BPS-9	LHV BPS-9	-do-
13. ✓	Mr. Rafi Ali Shah Dental Technician BPS-9	LHV BPS-9	He was surplus in District Bannu and was adjusted by DHS FATA for the purpose of drawal of pay against the post of LHV.
14.	Mr. Ashraf Ali Khan Dental Technician BPS-9	LHV BPS-9	-do-
15.	Mr. Tariq Khan Malaria Supervisor BPS-9	LHV BPS-9	-do-
16.	Mr. Subghatullah, Malaria Supervisor BPS-9	LHV BPS-9	He was surplus in District Bannu and was adjusted by DHS FATA for the purpose of drawal of pay against the post of LHV.
17. ✓	Mr. Sahib Noor, Driver BPS-4	MT BPS-9	He was surplus in NWA and was adjusted by DHS FATA for the purpose of drawal of pay against the post of MT
18. ✓	Mr. Shohidullah, Malaria Supervisor BPS-9	LHV BPS-9	Appointed against the post of LHV.
19. ✓	Mr. Wahidullah, Malaria Supervisor BPS-9	LHV BPS-9	Appointed against the post of LHV.
20. ✓	Mr. Nizamullah Malaria Supervisor BPS-9	LHV BPS-9	Appointed against the post of LHV.
21	Salimullah Malaria Supervisor BPS-9	LHV BPS-9	Appointed against the post of LHV.

	Muhammad Ayaz Malaria Supervisor BPS-9	LHV BPS-9	Appointed against the post of LHV
	Mr. Ahmad Malaria Supervisor BPS-9	LHV BPS-9	Appointed against the post of LHV
24.	Mr. Said Ghawas, Malaria Supervisor BPS-9	LHV BPS-9	Appointed against the post of LHV
25.	Mr. Dil Abass Malaria Supervisor BPS-9	LHV BPS-9	Appointed against the post of LHV
26.	Mr. Abdul Nasir Laby: Technician BPS-9	MT BPS-9	Appointed against the post of MT
27. ✓	Mr. Ferooz Shah, Laby: Technician BPS-9	MT BPS-9	Appointed against the post of MT
28. ✓	Mr. Shahidullah, Laby: Technician BPS-9	MT BPS-9	Appointed against the post of MT
29. ✓	Mr. Subghatullah, Laby: Technician BPS-9	MT BPS-9	Appointed against the post of MT
30.	Mr. Ajab Noor, Laby: Technician BPS-9	MT BPS-9	Appointed against the post of MT
31.	Mr. Muhammad Shafiq, Laby: Technician B-9	LHV BPS-9	Appointed against the post of LHV
32.	Mr. Iftihar Ahmad, Laby: Technician BPS-9	LHV BPS-9	Appointed against the post of LHV
33.	Mr. Mehtabullah, Laby: Technician BPS-9	LHV BPS-9	Appointed against the post of LHV
34.	Mr. Abdul Saboor, JCT(Pharmacy) BPS-09	LHV BPS-9	Appointed against the post of LHV
35.	Mr. Sadiqullah EPI Technician BPS-9	LHV BPS-9	Appointed against the post of LHV
36.	Mr. Zia-ul-Haq, EPI Technician BPS-9	LHV BPS-9	Appointed against the post of LHV
37.	Mr. Mukhtar Ali Junior Clerk BPS-7. (At present BPS-11).	Senior Clerk BPS-14.	Appointed against the post of Senior Clerk BPS-9 (At present BPS-14)
38.	Mr. Ulhafullah Junior Clerk BPS-7. (At present BPS-11).	Senior Clerk BPS-14.	Appointed against the post of Senior Clerk BPS-9 (At present BPS-14)

It is further added that One Mr. Mian Wahid Jan JCT(Pharmacy) BPS-09 is drawing pay against his original post under the control of this office and working on detailment basis in Mobile Hospital Programme FATA.

1. 
 AGENCY SURGEON,
 NORTH WAZIRISTAN MIRANSHAH,
 AT PRESENT BANNU.

A

OFFICE OF THE AGENCY SURGOEN NORTH WAZIRISTAN MIRANSHAH.

PHONE & FAX: 0928-300788.

NO 2801 / DATED: MIRANSHAH THE 30/9/2011.

To

The Director Health Services.
FATA Warsak Road Peshawar.

SUBJECT: APPOINTMENT DURING THE LAST THREE(3) YEARS.

Memo:

Reference your Telephonic Message to day on 30-09-2011.

I have the honour to submit herewith the detail list of
appointment during the last three years as follows.


S.NO	NAME	F./NAME.	Domicile	Designation	Date of Arrival
1	Mr. Khaista Rehman	Fateh Suid	Bajaur	Medical Tech	3-11-2009
2	Mr. Shaheed Ullah Jan	Jan Behader	NWA	Medical Tech	03-11-2009
3	Mr. Zahid Iqbal	Banat Khan	NWA	Medical Tech	3-11-2009
4	Mr. Akhtar Ayub	Janabat Khan	NWA	Medical Tech	3-11-2009
5	Mr. Salder Elahi	Noor Elahi	NWA	Medical Tech	3-11-2009
6	Mr. Arifullah	Khushal Khan	NWA	Medical Tech	06-12-2009
7	Mr. Naveed Iqbal	Khan Behader	NWA	Medical Tech	12-11-2009
8	Mr. Wadood Ali Shah	Muhammad Nawaz Shah	Bannu	Medical Tech	10-01-2010
9	Mr. Farhad Ullah	Made Jan	NWA	Medical Tech	18-06-2010
10	Mr. Shahid ullah	Muhammad Nawaz	NWA	Dispenser	3-11-2009
11	Mr. Abdul Hanan	Gul Faraz Khan	Bajaur	Dispenser	
12	Mr. Zahcer ud Din	Noor Adil Shah	NWA	Diepsenser	3-11-2009
13	Mr. Inam Ullah	Shahadat Khan	NWA	Dispenser	22-11-2009
14	Namat Rasool	Azad Khan	NWA	Dispenser	25-03-2010
15	Mr. Nazeer Ahmad	Muhammad Younas	Bajaur	Dispenser	20-12-2009
16	Mr. Muhammad Qasim (ADP)	Muhammad Zuman	NWA	Dispenser	22-11-2009
17	Mr. Sayed Nawaz (ADP)	Sahed Nawaz	NWA	Dispenser	18-11-2009
18	Mr. Habib ullah (ADP)	Ber Mullah Khan	NWA	Dispenser	22-11-2009
19	Mr. Imran Ullah (ADP)	Muhammad Niaz	NWA	Diepenser	24-11-2009
20	Mr. Muhammad Zunir (ADP)	Noor Madat Khan	NWA	Dispenser	06-11-2009
21	Mr. Muhammad Akram	Muhammad Saleem Shah	NWA	Dispenser Adjusted Against DHV	06-11-2009
22	Mr. Rafi Ullah	Mir Sahab Khan	NWA	Dispenser Adjusted Against DHV	15-11-2009

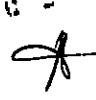
	Mustafa Khan	Rashid Khan	NWA	Dispenser Adjusted Against LHV	25-12-2010
24	Hafiz Noor	Sayed Manoor	NWA	Dispenser Adjusted Against LHV	1-1-2010
25	Miss. Basnoor Bibi	Samin Ullah	Bannu	LHV	12-11-20
26	Miss. Tabsuam	Gul Naib Khan	Bannu	LHV	15-11-20
27	Miss Husai	Adil Khan	NWA	LHV	15-11-20
28	Miss. Zubida Khanam	Kari mud Din	D.I. KHAN	LHV	19-12-20
29	Miss. Komal Saba	Palol Khan	NWA	LHV	23-12-20
30	Miss. Romana Akram	Muhammad Akram	D.I. Khan	LHV	23-12-20
31	Faiqa	Habib Ullah	Bannu	LHV	31-12-20
32	Zar Taj	Hukam Zada	Bannu	LHV	6-1-201
33	Miss Permeen Gul	Gul Shah Zada	BANNU	LHV	30-1-20
34	Miss. Nasima Bibi	Noor Bad Shah	Bannu	LHV	20-02-2
35	Miss Zakishah	Din Bad Shah	NWA	LHV	18-06-2
36	Miss. Waheeda LHV	Aman ullah	NWA	LHV	2-6-201
37	Mr. Attaur Rehman	Wali Muhammad	NWA	Assistant Superintendent Malaria	25-06- 2010.
38	Mr. Sajid Khan	Murad Ali	NWA	Dental Tech	18-11-2
39	Mr. Feroz Shah	Hakim Shah	NWA	Lab Asstt Against Dispense	18-11-2010
40	Sayel Khan	Zarbab Khan	NWA	EPI Tech Against LHV	12-11-2010
41	Mr. Asif Mehmood	Taj Muhammad	NWA	X-Ray Against LHV	3-12-2010
42	Mr. Sabghat ullah	Zaffar Ali	NWA	Lab Tech Against LHV	3-12-2010
43	Sardar Ayub	Ayub Khan	NWA	EPI Tech Against LHV	6-12-2010
44	Mr. Khatib Ullah	Saeed Khan	NWA	EPI Tech Against TSM	3-12-2010
45	Mr. Gul Rehman	Inayat Khan	NWA	Dispenser Against LHV	10-12-2010
46	Mr. Salim ullah	Hanif ullah	NWA	Lab Asstt Against ECG	17-12-2010
47	Mr. Shahid Ullah	Muhammad Noor Gul	NWA	Lab Asstt Against LHV	25-12-2010
48	Mr. Noor Hayat	Salim Muhammad	NWA	Dispenser Against LHV	15-01-2010
49	Mr. Ajab-Noor	Shamiraz	NWA	Lab Astt Against LHV	2-4-2010
50	Mr. Niazam ud Din	Fazal Ghani	NWA	MT Against LHV	2-4-2010
52	Sher Ali Baz	Niaz Khan	NWA	EP TECH	8-4-2010
53	Zia ullah	Abdul Hamid	NWA	Lab Asstt Against Physiotherapist	21-03-2010 2010.
54	Asif	Yqoob	NWA	Lab Asstt Against Dispenser	22-11-2010

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57	Safdar Ali	Dilawar Khan	NWA	Junior Clerk	06-0
58	Mansoor Ahmad	Qamar Ali	NWA	Junior Clerk	03-0
59	Jamil Ahmad	Nasib Akhtar	NWA	Junior Clerk	01-0
60	Muhammad Niaz	Nawshar Khan	NWA	Junior Clerk	03-0
61	Abdur Rehman	Zainullah	NWA	Malaria Inspector	23-0
62	Noor Ayub		NWA	EPI Tech	
63	Muhammad Tariq	Gul Zarooq	NWA	EPI Tech	
64	Zainullah	Madaraz	NWA	EPI Tech	29-0
65	Azmat ullah	Lair Jan	NWA	EPI Tech	
66	Abdullah	Aslam Khan	NWA	Sweeper	28-0
67	Nazullah Khan	Mather Khun	NWA	Behishty	10-0
68	Manoor Khan	Hajji Adil Mir	NWA	Sweeper	12-0
69	Asmad ud Din	Abdul Hakim	NWA	Mali	2-01
70	Din Faraz	Juma Gul	NWA	Cook	31-0


 AGENCY SURGEON
 NORTH WAZIRISTAN MIRANSHA



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- 1. [unclear] [unclear] [unclear] [unclear]
- 2. [unclear] [unclear] [unclear] [unclear]
- 3. [unclear] [unclear] [unclear] [unclear]
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Approved by [unclear]

[unclear]
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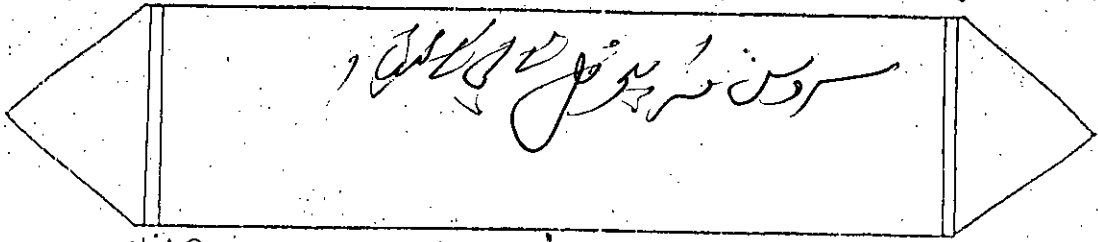
RECEIVED [unclear] [unclear] [unclear] [unclear]

OFFICE OF THE DIRECTOR, NORTH AVISIA, WASHINGTON, D.C.

[unclear]
 [unclear]
 [unclear]

[unclear]
 [unclear]
 [unclear]

بعد الت



2۔ مخاطب
بنام محکمہ عدالت

اعلیٰ العالی
حاج
امام علیہ السلام

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی و جواب ذہنی و کل کاروائی متعلقہ
آن مقام صبر در کیلئے لو سنوئی رینڈ سچو (ملاکان)

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو رائسی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور
بیسورت ڈگری لڑنے اجراء اور صولتی چیک در و پیر عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بیسورت عدم پیردی یا ڈگری یا لٹری یا ایل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل ٹمرانی و نظر ثانی و پیردی کرنے کا اختیار ہوگا۔ از بیسورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے امراء یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو کسی ذہنی ہنرہ مذکورہ یا اختیارات ماسئل ہوں گے اور اس کا ساختہ

پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ در ہر باب التوا کے مقدمہ کے سبب ہوگا۔ وہ
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دکیل صاحب پابند ہوں گے۔ کہ پیردی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Accepted
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المرقوم _____ ماہ _____ واہ الب

بمقام
کے لئے منظور ہے۔
Agam

BEFORE THE SERVICES TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR

APPEAL NO. 1249 /2018

Mr. AzimullahPetitioner

Malania Supervisor

Versus

Director Health Services, Tribal Districts and othersRespondents

Para wise comments on behalf of respondent No. 1 & 2

Respectfully Sheweth;

Preliminary objections

1. That the appellant has got no locus standi to file the instant appeal.
2. That the appellant has not come to this Honorable Court with clean hands and concealed the factual position of his service.
3. That the appellant has got no cause of action to file the instant appeal.
4. That, the appellant is not an "AGGRIEVED" person within the meaning of Article 199 of the Constitution of Pakistan.

ON FACTS:

1. Pertain to record and the record is silent about departmental selection committee through written in order.
2. Pertain to record and are not on duty after stoppage of pay.
3. Correct to the extent of stoppage of salaries without any written orders by the then Agency Surgeons NW Agency.
4. Correct to the extent of order of Khyber Pakhtunkhwa Service Tribunal Peshawar dated 13.11.2017 and speaking order has been reflected in rejection of appeals.
5. Correct to the extent of record submitted by the then Agency Surgeon NW Agency (attached with the appeal).
6. Correct to the extent of letter but plea taken for adjustment against charges Nurses is illegal.
7. *Correct* *Pertain to record*
8. Correct.
9. Correct to the extent of order dated 03.10.2018 and very much valid reasons are forwarded for rejection of appeals.

ON GROUNDS

- A. Correct to the extent of order dated 03.10.2018. The appointment made was void ab initio, hence salaries were not released rather recovery is required.
- B. Correct as stated in para-5 of the fact above.
- C. Incorrect, pertain to record.
- D. Incorrect, the appellants were treated accordingly to law as per order dated 03.10.2018.
- E. Incorrect, no violation has been made in the matter.
- F. Pertain to record, which says no duty has been performed.
- G. Incorrect, pertain to record.
- H. Pertain to record.
- I. Correct, pertain to record.
- J. Correct, but it is pertinent to mention here that non-availability of clear vacant posts means at the time of appointment of the appellants and adjusted against the other position is illegal.
- K. Correct but it is pertinent to mention here that the adjustment against other posts are not considerable in the eyes of law.
- L. Incorrect, the appeals of the appellants have been rejected on the basis of two reasons (i) Non-availability of clear vacant posts (ii) Without codal formalities.
- M. The department will also produce other proofs at the time of hearing.

It is, therefore, requested that the appeal may please be dismissed.


Director Health Services,
Tribal Districts, Peshawar